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T H E
NONJURORS
SEPARATION
FROM THE
Public Assemblys
OF THE
CHURCH of *ENGLAND*
EXAMIN'D,
And Prov'd to be SCHISMATICAL,
upon their own Principles.

By *THO. BENNET*, D D.

The SECOND EDITION.

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T H E
P R E F A C E.

W*ould to God, I needed an Apology for the Publication of these Papers, which the serious Consideration of our present unhappy Circumstances has extorted from me.*

Certainly it becomes every sincere Member of our excellent Church to exert himself at this Critical Juncture. For does not common Sense tell even the weakest amongst us, and does not the Conduct of our Enemy (the Papists on the one hand, and the Fanatics on the other, who are sneering at our Folly, and rejoicing in our Breaches) demonstrat, that they understand too well, what must be the Consequence of this Separation? And are we so obstinately blind, as to shut our Eyes against our manifest Interest? Let any thoughtful Person judge, whether this is a proper Time to divide those, who are the heartiest Friends of Episcopacy, and a precomposed Liturgy.

But that which gives a good Christian the greatest Uneasiness, is this melancholy Truth, that there

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is undoubtedly a Schism between those, who pretend an equal Affection, and the warmest Zeal, for our Holy Mother. And have we not always told the Dissenters, that Schism is a most damnable Sin? Surely therefore 'tis by no means an indifferent thing, whether we resort to the Public or to the Privat Assemblies (which do each of 'em claim the venerable Name of the Church of England) for there is assuredly great hazard of Salvation on one side or other.

Ought not this Reflection to awaken our Consciences? Ought we not to cry mightily to God for the Direction and Assistance of his Holy Spirit, that we may discern and chuse the right Path, and act consistently with the Rules of our holy Religion?

For my own Part, as I have impartially searched after the Truth; so I am persuaded, God has shew'd it to me. And I have honestly endeavor'd (as indeed I think my self bound) to communicat to others that Satisfaction, which I enjoy my self. God grant, that my poor Labors may tend to the Peace of our Church, and to the healing of those Wounds which her own Sons have given her.

The Reader cannot but observe, that as I have studiously avoided all Political Disputes, so I have done my utmost to bring this Controversy to a short Issue; and I have accordingly granted so much to the Non-jurors, that some Persons may perhaps, on the first View of my concessions; be in pain for me. I only intreat them
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to attend the Force of my Arguments, and to mark the Event. For I must own, I think the Separation of the Nonjurors so perfectly unjustifiable, that one may grant them almost every thing, and yet evince the Absurdity and Sinfulness of it.

I am obliged to add, that if any Person shall think it unsafe for him to publish an Answer to this Tract, I intreat him to send his Papers to me, by such a Way as he shall chuse (with this single Hint, that the Parcel comes from an unknown Hand) and I do solemnly promise, that if they are written as becomes a Christian and a Scholar (of which such Nonjurors shall be Judges, as their Brethren will readily confide in) I will make no Inquiry after the Author; but in a reasonable Space of Time, will either return him Thanks for confuting me, or else reply in such a manner, that he shall have no reason to complain of my misrepresenting his Sense, or injuring his Arguments.

St. Laurence Jewry,
LONDON,
Septemb. 27. 1716.

Tho. Bennet.

T H E

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T H E

The NON JURORS Separation
from the Public Assemblies
of the Church of *England*
examin'd, and prov'd to be
Schismatical, upon their own
Principles.

CHAP. I.

*The State of the present Controversy in the Diocese
of London, propos'd.*

EVERY Body knows, that by the Church
of *England* (as distinguish'd from *Papists*,
Presbyterians, &c.) is meant that Body of
Christians (Clergy and Laity) who profess
themselves Members of that Communion, which
is maintain'd amongst us under the Government of
Bishops, and by the Use of the *Book of Common
Prayer*.

Of this Church there are Assemblies in all Parts
of *England*, wherein Clergymen Episcopally or-
dain'd do officiate, and to which the Laity may
resort, under the Protection of his present Majesty.

These I call the *Public* Assemblys of the Church of *England*, 1. Because they are not only permitted, but encouraged, and every Man may safely frequent them, in the most open Manner, without any Discountenance from our present Superiors, either Ecclesiastical or Temporal. 2. Because other Assemblys, wherein Clergymen Episcopally ordain'd do officiat, and the Book of Common Prayer is used (excepting some Passages relating to our present Temporal Governors) are privatly held, without the Countenance or Protection of, nay, in Opposition to, our present Superiors both Ecclesiastical and Temporal.

These *Privat* Assemblys are frequented by, and compos'd of, Nonjurors. For tho'tis well known, that many of those Persons, who dare not take the Oaths required by Law to his present Majesty, do resort to the Public Assemblys: yet 'tis notorious, that those who resort to the Privat Assemblys, are in general such as refuse to take the said Oaths, there being, I believe, very few (if any) Exceptions throughout all *England*.

Now there is manifestly a Separation of Communion between the Public and Privat Assemblys. And therefore, since the Privat ones were set up, and are still resorted to, by such Nonjurors as think it unlawful to frequent the Public ones; I call this Resort to the Privat Assemblys (which is most evidently a Forsaking the Public ones, and a Condemnation of them) the *Nonjurors* Separation from the Public Assemblys of the Church of *England*.

Now this Separation of Communion between the Public and the Privat Assemblys, is undoubtedly and confessedly Schismatical; that is, those who respectively frequent either of them, do allow that there is a Schism between the public and the Privat

Privat Assemblys, and they mutually charge this Schism upon each other; so that the Guilt of it must certainly fall very heavy upon one of the opposit Partys. And since 'tis acknowledged on both sides, that the Guilt of Schism is exceedingly great: therefore 'tis our indispensable Duty to consider the Matter fairly and impartially, and to maintain Communion with those Assemblys (whether Public or Privat) which may be frequented without committing the most heinous Sin of Schism.

In order thereto, I think it necessary to fix the Scene of this Dispute (if I may so speak) in some one particular Diocese; there being certainly a considerable Diversity, 1. between the Case of the Province of *Canterbury*, and that of the Province of *York*; 2. Between the Case of those Dioceses whose Bishops were depriv'd for refusing the Oaths to King *William* and Queen *Mary*, and those Dioceses whose Bishops took the said Oaths, and were consequently suffer'd to continue in their Sees.

Wherefore I shall take the liberty of beginning with the Diocese of *London*, not only because 'tis the Diocese wherein I have lived near sixteen Years (and consequently I shall instantly enter upon my own particular Case, which does so nearly concern me) but also because the Strength of that Communion which I charge with Schism, lies in and about this great City, from which the Diocese takes its Name; and consequently in the Resolution of my own Case, I shall resolve the Case of the greatest Part, and the most considerable Number, of those who are engaged in that Separation, which I condemn as Schismatical.

C H A P. II.

That Dr. Compton continued rightful Bishop of London to the Day of his Death.

NOW 'tis granted on both sides, that Dr. Compton was most rightfully possess'd of this See of London at the Time of the late Revolution; and that the Clergy and Laity of this Diocese were at that Time indispensably bound to maintain Communion with him as their Bishop. And 'tis notorious, that he claimed and exercis'd his Episcopal Authority over us to the last Day of his Life.

Wherefore it can't be pretended, that he ceased to be our Bishop by a Voluntary Resignation of the Diocese. Nor did he cease to be our Bishop by Deprivation. For I can't find, that any such Sentence of Deprivation was ever pronounced against him by any Authority, or pretended Authority, whatsoever. If any such Sentence were pleaded, I should then be obliged to examin the Ground of it, the Authority of those that passed it, the Justice of their Proceedings, and the Validity of their Censure. But till it does evidently appear, that there was such a Sentence in Fact; I must take the liberty of denying, not barely the Force (for that would seem to suppose the thing it self) but even the Being of it.

There is therefore no Possibility of shewing, that he ceased to be our Bishop, unless it can be shewn that he forfeited his See. But even this cannot be pretended. For, 1. He did not forfeit it before the Deprivation of the Nonjuring Bishops. This
appears

appears from those very Bishops avowed Communion with him as Bishop of *London* to the very Date of their Deprivation. Nor, 2. did he forfeit it after their Deprivation. For what did he do inconsistent with the Right to his See? If 'twere granted, that his having taken the Oaths to King *William* and Queen *Mary*, and his Allowance of the Alteration of the Liturgy (with respect to the then new Change of Government) throughout his Diocese, were base and sinful Compliances; yet he did not thereby forfeit his Episcopal Relation to us. For if those Actions were a Forfeiture of his See; then his See was forfeited immediatly after the Revolution. Whereas, besides the Weakness of this Plea in it self (as if every such sinful Compliance were a Forfeiture of a Bishop's See) the Nonjurors themselves allow, and did most openly confess and recognize him, to have been Bishop of *London*, till the Time of the Deprivation of the Nonjuring Bishops, notwithstanding he had so publicly taken the Oaths, and allow'd the Alteration of the Liturgy, without ever intimating his Dislike of those Actions, or professing that he undid them by Repentance.

Nor can any other Action (suppos'd to be evil) be urged as the Ground of his Forfeiture, except it be pleaded, that he maintain'd Communion with those Bishops, who were placed in the Sees of the Deprived ones. And upon this Topic the Nonjurors love to enlarge, and seem to be assured of great Advantages over him: Whereas in Reality 'tis a most empty Pretense, and a most trifling Objection against his continuing rightful Bishop of this See.

I shall not upon this Occasion launch into that wide Ocean of Disputes concerning the Validity of the Settlement made at the Revolution, and the Depri-

Deprivation of those Bishops who would not submit to it; because I am resolved to shorten this Controversy, and to argue with the Nonjurors upon their own Principles. Let it therefore be granted, 1. That the late Revolution was utterly unjustifiable, and that the Settlement consequent upon it was utterly null; 2. That the Bishops who were deprived for not submitting to it, were Confessors for their Refusal; and that those Bishops who were placed in their Sees, were Schismatical Intruders; 3. That Dr. *Compton*, then Bishop of *London*, was guilty of Schism in maintaining Communion with those Schismatical Intruders. I dare say, these Concessions will be esteem'd large enough o' Conscience; and I bid the Nonjurors heartily welcome to all the Advantages they can draw from them. For I still contend, that the aforesaid Dr. *Compton* continued our Bishop notwithstanding; and that his (supposed) Schismatical Communion with the (supposed) Schismatical Intruders, was not a Forfeiture of his Right to this See.

For the clearing of this Assertion, give me leave to suggest one Distinction. Tho' all Schism is a Breach of that Union, which ought to be maintained in the Church or Christian Society: yet there is a wide Difference between the Schism of Coordination, and the Schism of Subordination. When there is a Breach of Church Union between those that are Equals in the Christian Church (for instance, between two Bishops; for I need not observe to the Nonjurors, that all Bishops are of the same Order and Dignity) then there is a Schism of Coordination: but when there is a Breach of Church Union between Superiors and Inferiors (for instance, when the inferior Clergy or the Laity quarrel with their Bishop, or the like) then there is

a Schism of Subordination. Wherefore Dr. *Compton's* Acknowledgment of Schismatical Intruders into neighboring Sees, and maintaining Communion with them as Bishops of those Sees, which (as 'tis now supposed) they were unjustly possessed of, was a Schism of Coordination; because 'twas a Breach of that Peace, which he ought to have maintain'd with those of his Collegues, who were unjustly dispossessed for refusing the Oaths to King *William* and Queen *Mary*.

Now a Bishop's being guilty of the Schism of Coordination, is by no means a Forfeiture of his See, any more than the Drunkeness, or Injustice, or other sinful Act or Habit of a Bishop, is a Forfeiture of it. I grant, that the Schism of Coordination may ~~be~~ most justly (and ought indeed to be in some Cases) the Ground of a Bishop's Deprivation by Synodical Censure; and so may and ought his Drunkeness, or Injustice, or any other scandalous Crime: But I affirm, that till a Bishop is depos'd by a proper Judicature, he no more ceases to be Bishop of his See by being guilty of the Schism of Coordination, than he ceases to be Bishop of his See by being a Drunkard, or guilty of any other enormous Vice.

For which way can the Schism of Coordination dissolve the Relation between a Bishop and his Diocese? Every Bishop has the same Right to the Spiritual Government of his Diocese (till dispossessed by sufficient Authority) as a King has to the Civil Government of his Realm, or an inferior Civil Magistrat to the Jurisdiction of his District, or the Master of a Family to the Management and Direction of his Household. Now as a King, or an inferior Magistrat, or the Master of a Family, does not cease to be what he is, or forfeit his Right to the

the Obedience of his own Subjects or Inferiors, by breaking that Peace which he ought to keep with his Equals, whether Princes, or inferior Civil Magistrates, or Masters of Familys : so neither does a Bishop, by being guilty of the Schism of Coordination, by breaking that Peace which he ought to keep with neighboring Diocesans, cease to be what he is, *viz.* the Supreme Pastor of his own Diocese. A Superior's transgressing the Bounds of his Duty towards those who are independent of him, and who are equally Superiors in their respective Stations, cannot cancel the Duty of his own Inferiors, and discharge them from Obedience to him. And surely, if the Duty of Inferiors to their own Superior does continue, notwithstanding that Superior is faulty with respect to other Superiors, to whom they owe no Subjection; that Superior retains his Right of Government, whether Civil or Spiritual, and can't be disobey'd without the Guilt of Rebellion.

And therefore, whatever might have been pretended, if Dr. *Compton* had been deposed for the Schism of Coordination (for since that was not his Case, I need not decide it, or meddle with it) yet 'tis certain, that Dr. *Compton*, because he was not deposed by any Authority whatsoever, either real or pretended, did continue the rightful Bishop of this Diocese to the Time of his Death.

C H A P. III.

*Of the pretended Contagion of Schism by maintaining
Communion with the late Dr. Compton after
the Deprivation of the Nonjuring Bishops.*

BUT we are told, that after the Deprivation of the Nonjuring Bishops, such Christians of his Diocese (whether Clergy or Laity) as maintain'd Communion with the late Dr. Compton, who had acknowledged the Schismatical Intruders, were involved in his Guilt, and polluted with his Schism, the Contagion of which must necessarily spread it self amongst all those, who continued their Obedience to him, and submitted to his Authority.

To this I answer, that the Schism of Coordination does not affect a Diocese in such a manner, as these Objectors imagin. For 'tis as certainly possible for the Bishop of a Diocese to be guilty of the Schism of Coordination, without involving his Diocese in it; as 'tis possible for him to be guilty of Murder, or Drunkeness, or any other Villany, without infecting his Flock therewith, and making them guilty of his Personal Wickedness.

For it must be remembred, that none can contract a moral Contagion from another Person's Action, otherwise than by joining (some way or other) in that Person's immoral Action. And consequently, if the Bishop of a Diocese be guilty of any Sin, 'tis undoubtedly possible for that Sin to be properly Personal in the Bishop (that is, confin'd to the Bishop's own Person) nor does the Bishop's spiritual Character necessarily cause the Guilt of
his

his Actions to reach farther than himself. And consequently, If I do not (some way or other) wilfully make my self a Partner in my Bishop's Sin by a voluntary Concurrence in it; my maintaining Communion with him, or paying him a Spiritual Obedience, does not convey his Guilt to me, and make me a Sharer in it, any more than my living in Peace with a Temporal Magistrat, and paying him a Civil Obedience, pollutes me with those Crimes, which that civil Magistrat may commit. So that I am no otherwise chargeable with the Crimes of my Bishop, than I am chargeable with the Crimes of my Temporal Governor. For instance, I am no more chargeable with the Drunkenness or Injustice of a Bishop of *London*, than with the Drunkenness or Injustice of a Lord Mayor of *London*.

Nor is there any thing in the Nature of a Bishop's Schism of Coordination, which makes it necessarily contagious to his Flock, any more than any other of that Bishop's Crimes. 'Tis true, a Bishop is the Center or Principle of Unity in his Diocese; that is, all the Clergy and Laity of his Diocese are bound to live in Spiritual Obedience to him, and Communion with him. Otherwise the Unity of a Diocese can't be preserved. And consequently, if the inferior Clergy or Laity be guilty of the Schism of Subordination by withdrawing themselves from their Bishop's Obedience, by renouncing Communion with him, by gathering Congregations in Opposition to him, by obstructing or disturbing his Administration, or the like; the Unity of that Diocese is broken, by such Persons receding from the Bishop who is the Center or Principle of it. But which way does a Bishop's being guilty of the Schism of Coordination make his own Flock recede from

from the Principle or Center of Unity? Tho' he is a Principle or Center of Unity to them with respect to the Government of his own District; yet he is not a Principle or Center of Unity to them with respect to other Districts, with the Administration or Government of which they have no concern. Christians are united to Christ, and to one another, by Virtue of their Baptism; and so long as our Baptismal Covenant remains firm and good, we certainly retain a Relation to Christ our Head, and to all our Fellow Members in other Dioceses, how quarrelsome soever our own Bishop may prove to the Bishops of neighboring Sees. We are wanting in our own Duty of Subjection to our proper Superior, if we break with our own Bishop: but we commit no Sin (whatever he himself may do) by our own Bishop's breaking with his Equals, to whom (as we owe them no Subjection, so) we offer no Injury. Nor are we at all engaged or interested in our own Bishop's Quarrels with his neighboring Bishops, unless we thrust our selves into a Difference, and foolishly resolve to be Sharers in that Guilt, which we ought to lament and deprecate, but not to covet or hunt after. And consequently I may as well avoid the Guilt of a Bishop of *London's* Schism of Coordination, as I may avoid the Guilt of any other Sin, which 'tis possible for a Bishop of *London* to commit.

The only Point therefore to be consider'd is, whether he that obey'd the late Dr. *Compton* as Bishop of *London*, after he had communicated with the Schismatical Intruders, did thereby make himself guilty of the said Dr. *Compton's* Schism of Coordination. It can't be doubted, but that 'twas possible for a Person of this Diocese (by some means or other) to make himself a Partaker of Dr. *Compton's*

aforesaid Schismatical Action: but the Question is, Whether Obedience to the aforesaid Dr. *Compton*, as Bishop of *London*, after the aforesaid Intrusion was notoriously countenanced and abetted by him, was and must needs be construed, a Concurrence in that Schismatical Action of his; so that whosoever obey'd him for the future as Bishop of *London*, did thereby voluntarily and wilfully joyn in his Schismatical acknowledgment of the Antibishops.

And methinks, this Question may be very easily resolv'd. For put the Case during the Life of the deprived Bishop of *Norwich* (for instance) Which way did any Person's communicating with Dr. *Compton* as Bishop of *London*, by officiating as a Clergyman in any Public Assembly of this Diocese, or by joining in the Use of the Liturgy in a Lay Capacity in any such Public Assembly, and by paying Submission to the Authority of Dr. *Compton* as Bishop of *London*; I say, which way did this Conduct imply or acknowledge, which of the contending Parties was, in that Person's Opinion, rightful Bishop of *Norwich*? Was there any difference in our Public Offices in that respect, or upon that account? Was any one thing don or comply'd with by us, upon Supposition that Dr. *Moore* was rightful Bishop of *Norwich*, besides, or different from, what would or should have been don or comply'd with by us, upon Supposition that Dr. *Lloyd* still continued Bishop of that See, and had been permitted quietly to enjoy it? If not, pray what Difference or Alteration did Dr. *Moore's* (supposed) Intrusion create with respect to the Clergy or Laity of this Diocese? And consequently which way did our proceeding after the Intrusion, exactly as we did before the Intrusion, and as we must have continued to do, if there had been no Intrusion at all, make us Parties in

in that Quarrel which arose by reason of that Intrusion? I confess, *Dr. Compton*, as a neighboring Bishop, had frequent Opportunities of owning the Intruder: but what was that to us? How did that affect his Clergy or his Laity? Neither the Clergy nor the Laity of this Diocese needed to join in those Actions of *Dr. Compton*; and consequently they could not (unless they would, and chose it) be chargeable with the (supposed) Sinfulness of them. Wherefore *Dr. Compton's* Schismatical Acknowledgment of, and Communicating with, *Dr. Moore* as Bishop of *Norwich*, was the said *Dr. Compton's* Personal Crime, which we (as his Inferiors in this Diocese) needed not to intermeddle in, or be infected with, notwithstanding we either officiated in, or frequented, the Public Assemblies of the Church of *England* in this Diocese, and professed an intire Subjection and Obedience to the said *Dr. Compton's* Authority, as Bishop of it.

For the fuller Illustration of this Matter, give me leave to suppose, that two Princes, two Mayors of Corporations, or two Masters of Familys, should quarrel. Now certainly as 'tis very possible for those who are respectively subject to the Authority of those Princes, those Mayors, or those Masters of Familys, to become Partys in the Quarrels of their Superiors: so 'tis also in numberless Cases very possible for them not to concern themselves at all in the Disputes of their Superiors, but to live in perfect Amity with those whom their Superiors quarrel with. Nor can the Inferiors be infected in such Cases with their Superiors Sin in quarrelling, unless they joyn with their Superiors in their Injustice (for there is always Injustice in Quarrels on one side or other) and abet their wicked Actions, by imbarquing in their

Causes, by espousing their Intrests, &c. And accordingly, as I may pay an intire Obedience to my Prince, my Magistrat, or the Master of the Family I live in, at the same Time that he is making a most unrighteous War, carrying on a most unjust Opposition, prosecuting a most wicked Suit at Law, offering the most unreasonable Violence, pouring forth the most opprobrious Language, &c. without partaking of the Guilt of my Temporal Superior, or becoming a Party in his Action: so I may pay an intire Obedience to my Bishop, at the same time that he acts a most wicked Part with relation to a neighboring Bishop, without being guilty of that Wickedness my self or involving my self in that Schism of Coordination, which my Bishop is undoubtedly guilty of. And consequently, tho' Dr. *Compton* was never so certainly a Schismatic for owning Dr. *Moore* as Bishop of *Norwich* in opposition to Dr. *Lloyd*: yet my continuing in Communion with Dr. *Compton* as Bishop of *London*, did not pollute me with the said Dr. *Compton's* Schism in owning Dr. *Moore* as Bishop of *Norwich*. Because by paying Obedience to Dr. *Compton* as my own Bishop, I did not do any thing in Opposition to Dr. *Lloyd*, or in Acknowledgment of Dr. *Moore*. And for that Reason I might easily keep my self intirely free from the Quarrel, and clear of the Contagion of that Schism of Coordination, which Dr. *Compton* was (as 'tis now suppos'd) unhappily engag'd in.

I confess, if those that continued in Communion with Dr. *Compton* were thereby oblig'd, by some explicit or implicit Action or Declaration to acknowledge the intruding Dr. *Moore* for Bishop of *Norwich*; or if the Public Assemblies of the Church of *England* in the Diocese of *London*, were held in
opposition

opposition to Dr. Lloyd's Authority, and in Defiance of his Right to the See of *Norwich*, or the like : then the Case had been very different. But since nothing of this Nature either was, or could be, pretended ; I see no manner of reason for charging our Continuance in Communion with Dr. *Compton* as Bishop of *London*, with the Guilt of that Schism of Coordination, which Dr. *Compton* committed in owning Dr. *Moore* for Bishop of *Norwich* ; the doing of which was Dr. *Compton's* Personal Crime, with which his Diocese of *London* could no otherwise be polluted, than they would have been by the said Dr. *Compton's* personal Drunkeness, or his personal Murder, could that excellent Prelat have been supposed guilty of any such Enormity.

C H A P. IV.

Whether the Fathers of the three first Centuries had any such Notion of the Contagion of Schism, as has been of late advanc'd.

I Am well aware, what Appeals have been made to Antiquity with relation to this Dispute. It has been pretended, that the Primitive Church did universally condemn Communion with Schismatical Bishops ; and consequently, in the Judgment of the Fathers, 'twas unlawful, upon my foregoing Concessions, to communicat with Dr. *Compton* after the Deprivation of the Nonjuring Bishops, when by his acknowledging the Intruders into their Sees, he himself became a Schismatical Bishop.

Now this may perhaps appear a very plausible Argument at first sight, especially to those who are not well vers'd in the Practice of the first Ages. Whereas in reality there is no Strength in it. For tho'tis very true, that the Primitive Church did most severely condemn Communion with Schismatical Bishops; yet it must be observ'd, that those Passages of Antiquity do universally relate to such Cases, where either the Flocks were Partys in the Schism (for instance, where there were opposit Bishops in the same Diocese; so that the one Party must certainly oppose the rightful Bishop) or else the Bishop of a neighboring Diocese made himself a Party, and took the wrong Side, in the Quarrel of two Bishops contending for the Right of the same See; and was consequently guilty of the Schism of Coordination with respect to the injured Bishop. In these Cases, no Doubt but the Primitive Church condemned Communion with Schismatical Bishops, because they condemned Communion in the Schism. They forbid the Flocks where there were opposit Bishops, and they forbid the neighboring Bishops who were to correspond with those Dioceses in which there were Antibishops, to communicate with those who were the Schismatical Bishops in those Dioceses.

But what is this to our present Purpose? It may be of Use in considering the Case of those Sees, where there were Antibishops after the Revolution; or it might serve for the Direction of those Bishops of other Sees, who acknowledged the (supposed) Schismatical Intruders into the Sees of the deprived Bishops: but which Way does it affect the Flocks of those Bishops, who were no otherwise Schismatics, than by acknowledging Schismatical Intruders into neighboring Sees? Does Antiquity warrant

warrant or countenance a Separation of the Flocks from their proper Bishops, whensoever those their proper Bishops do become guilty of Schism in any Manner or Case whatsoever? Does Antiquity teach the Modern Doctrin of the Contagion of the Schism of Coordination? That is, does Antiquity teach, that a Bishop can't be guilty of the Schism of Coordination, but his Flock must necessarily be infected with it too, if they continue in Communion with him and Obedience to him? Nothing like it. I must take leave to affirm (and I hope I do not speak without Book) that the three first Centurys before mention'd (and 'tis needless to examin the Practice of after Ages) give no Countenance to such Absurditys. And I fairly challenge those who wou'd seem to pay such a Deference to Antiquity, to produce so much as one single Fact to the contrary. I beseech them to shew me, if they can, that any one Flock was encouraged to forsake the Communion of their Diocesan, merely for his having communicated with a Schismatical Intruder into a neighboring See, or for being upon any other Account chargeable with the Schism of Coordination. I confess, if a Bishop had been deposed for his Schism of Coordination, the Flocks were oblig'd to adhere to the new Bishop in Opposition to their late Schismatical one: but I defy any Man to shew, that a Flock could be justified by the Principles of Antiquity, in separating from their own Bishop's Communion merely for his being guilty of the Schism of Coordination, before he was deposed, or before any other Bishop was ordained to preside over them.

This were sufficient to silence this Plea. The Nonjurors Collections therefore from Antiquity, as large and pompous as they are, are quite besides

the Purpose: and tho' they may deceive the Ignorant and Unwary, yet they do not reach the present Case. But, since they boast themselves of Antiquity, and fill the Ears of the unlearned Laity with such a Din of misapply'd Quotations from thence; I will take the Freedom to observe, that the Practice of the three first Centurys (those, I hope, will be thought sufficient) is not only not for them, but directly *against* them. That is, Antiquity does not only *not* teach, that a Bishop's Schism of Coordination is always and necessarily contagious to his Flock, and consequently that the Flocks must separat from their respective Bishops, whensoever they become guilty of the Schism of Coordination: but on the contrary Antiquity *does* teach, that one Bishop may safely communicat with another Bishop who is guilty of the Schism of Coordination, and that a Flock may safely continue in Communion with their Bishop when he becomes guilty of that Crime; provided, to be sure, that they do not respectively join in the Schism of him whom they communicat with.

To evince this, I shall point at a few plain Facts. Every Body knows, what a Rent was made in the Church by the *Paschal* Dispute. Pope *Victor* (a) endeavored

(a) Ἐπὶ τέτοις ὁ μὲν Ῥωμαίων πρεσβὺς Βίκτωρ ἀθερῶς τῇ Ἀσίᾳ πάσης ἅμα τῇ οὐνοῦ ἐκκλησίᾳ τὰς παρεκκλῆσιας ἀποτέμνειν ὡς ἐτεροδύξας τῇ κοινῇ ἐνώσει πεισθῆναι. Καὶ συνιᾷει γὰρ διὰ γεγραμμάτων, ἀκοινωνήτας ἄρδην πάντας τὲς ἐκείσε ἀνακηρύττων ἀδελφούς. Ἀλλ' ἔτι πᾶσι γὰρ τοῖς ἐπισκόποις ταύτ' ἠρέσκετο. Ἀντιπαρεκλεισθῆναι δὴ τὰ αὐτῶν τὰ τῇ εἰρήνῃ καὶ τῇ πρὸς τοὺς πλησίον ἐνώσει καὶ ἀγάπῃ φερέναι. Φέρονται δὲ καὶ αἱ τῶν φωνῶν πληκτικώτερον καὶ ἀπολύτως τῶν Βικτωρίων. Ἐν οἷς καὶ ὁ Ἐιρηνιστὴς — τῶν γὰρ μὲν Βικτωρίων πρεσβυτέρων, ὡς μὴ ἀποκόπῃσι ὅλας ἐκκλησίας Θεοῦ — παρυνεῖ. Euseb. Hist. Eccles. l. 5. c. 24. p. 192.

Ὁ δὲ Ῥώμης ἐπίσκοπος Βίκτωρ ἀμεῖβα δεσποτικῶς ἀκοινωνήσαντας ἐν τῇ Ἀσίᾳ τεταρσεκαδεχρήταις ἀπέστειλεν. Socr. Hist. Eccles. l. 5. c. 22. p. 284.

devoted to cut off the Eastern Churches from Catholic Unity for observing a Custom different from that which obtained in the West. In order thereto he for his part actually excommunicated the Eastern Churches; and he wou'd fain have drawn all the Western Bishops into the same most unwarrantable Condemnation of them. And it appears from (b) *Epiphanius*, that diverse of the Western Bishops did actually join with him in that detestable Proceeding. But others of them, particularly *St. Irenæus*, not only disapproved his violent and unjust Conduct, but remonstrated sharply against it; by which means Peace was at length restored between the East and the West. I presume, 'twill be readily granted, that here was a Schism with a Vengeance, a most unreasonable and wicked Schism of Coordination; and that Pope *Victor*, and those Western Bishops who join'd with him, were the Schismatics. And consequently, if the Modern Notions of the Contagion of the Schism of Coordination had been then invented, pray, what shall we think of good *Irenæus* and those other Western Bishops, who in a most Christian manner opposed the Pope's Party, without so much as pretending to break off Communion with his Schismatical Holiness? Or what shall we say, was the Duty of the respective Flocks of *Victor* and his Schismatical Adherents, during the Continuance of that Breach? 'Tis plain, those truly pious Bishops did not think themselves obliged to become Partys in every Dispute which arose between contending Bishops: but they maintained Communion with both those opposit Partys,

(b) Ἐντε χρόνιοι Πολυκάρτος ὁ Εὐκάρτος ὡς ἡ ἀνατολή πρὸς τὴν δύσιν διαφθερόμενοι ἐβλήθησαν παρ' ἀλλήλων ἀκδέχοντο. *Epiph. Her. 70. p. 821.*

tys, which refused to maintain Communion with each other. And as for the respective Flocks of *Victor* and his Schismatical Adherents, they did not think themselves obliged to separat from their respective Diocesans, upon the account of their being in a State of Schism of Coordination with relation to the Bishops of the Eastern Dioces.

Again (c), 'Tis notorious, that *Marcianus* Bishop of *Arles* was a Schismatic. *St. Cyprian* says, he was a *Novatian*: but it does not sufficiently appear, whether that Phrase, as used by *St. Cyprian*, signifies his communicating with *Novatian* as Bishop of *Rome*, or only patronizing *Novatian's* Sentiments. For he deny'd Penitence to the Lapsed; so that many of his Flock went out of the World without being restored to Communion. However, 'tis certain, that he separated himself from the Communion of his neighboring Catholic Bishops; and consequently he was undoubtedly guilty of the Schism of Coordination, even tho' there had never been such a Person as *Novatian* in the World. If there-

(c) Quod *Marcianus* Arelate consistens *Novatiano* sese conjunxerit, & à Catholicæ Ecclesiæ unitate, atque à corporis nostri & sacerdotii consensione discesserit, tenens hæreticæ præsumptionis durissimam pravitatem; ut servis dei pænitentibus & dolentibus & Ecclesiam lachrymis & gemitu & dolore pulsantibus, divinæ pietatis & lenitatis paternæ solatia & subsidia claudantur, nec ad fovenda vulnera admittantur vulnerati, sed sine spe pacis & communicationis relictæ ad luporum rapinam & prædam diaboli projiciantur. — Jampridem jactat & prædicat, quod *Novatiano* studens, & ejus pervicaciam sequens, a communicatione se nostra segregaverit. — Ex quibus cum *Marcianus* esse cœperit, & se *Novatiano* conjungens adversarius misericordiæ & pietatis extiterit, sententiam non dicat, sed accipiat: nec sic agat, quasi ipse judicaverit de Collegio sacerdotum, quando ipse sit ab universis sacerdotibus judicatus. *Cypr.* Ep. 68. p. 176 — 9.

therefore a Flock is obliged to forsake the Communion of their Dioceſan, when he becomes guilty of the Schiſm of Coordination, for fear of Contagion by continuing their Subjection to him; then certainly there was juſt Cauſe for the People of the Dioceſe of *Arles* to ſeparat from *Marcianus*. And yet *St. Cyprian's* Epistle all along ſuppoſes, that *Marcianus's* Flock did, and ought to, continue in Communion with him as their Biſhop, till he was depoſed for his Crimes; for the compaſſing of which End that remarkable Letter was writ by *St. Cyprian* to Pope *Stephen*.

Again, when *Bafilides* and *Martialis* were moſt juſtly depoſed, and other Biſhops fixed in their Sees, *St. Cyprian* tels us, that ſome of (*d*) his Colleagues did notwithstanding communicat with *Bafilides* and *Martialis*. Thoſe Biſhops therefore were guilty of the Schiſm of Coordination. And yet *St. Cyprian* expreſſy calls them his Colleagues, which Phraſe conſtantly denotes (as every body will own, that is in any meaſure verſ'd in *St. Cyprian*) ſuch Biſhops as he profeſſed himſelf in Communion with. And yet *St. Cyprian*, if he had been acquainted with the modern Notions about the Contagion of the Schiſm of Coordination, muſt have been a ſelfcondemned Schiſmatic for owning them as his Colleagues. Whereas I preſume, the Nonjurors will be very unwilling to lay this Charge upon that rigid Pattern of Eccleſiaſtical Diſciplin.

At

(*d*) Quare etſi aliqui de collegis noſtris extiterunt, fratres dilectiſſimi, qui deificam diſciplinam negligendam putant, & cum *Bafilide* & *Martiale* temere communicant, conturbare fidem noſtram res iſta non debet, &c. Ep. 67. p. 179.

At length it came to pass, that Pope *Stephen* (e) excommunicated even the good *St. Cyprian* himself, and those Bishops who adhered to him, for rejecting the Baptism of Heretics. Now there was manifestly a Schism of Coordination in this Case between the opposit Partys; and yet we don't find, that either side thought the Flocks of their Adversarys obliged to forsake the Communion of their respective Diocesans on that account; which notwithstanding they must have don, if they had thought a Bishop's Schism of Coordination so necessarily contagious, that it could not but infect his People, if they continued to yield him their Obedience, and upheld their Communion with him.

From what has been said, it sufficiently appears, that the modern Notions about the Contagion of the Schism of Coordination (which have affrighted some well meaning Persons almost out of their Wits, and have driven them on to the most obstinat Separation) were not known, much less received, in the three first Centurys

And this Account of the Practice of the Fathers within that Period, serves to illustrat some general Expressions,

(e) Nec tamen propter hoc ab Ecclesiæ Catholicæ pace atque unitate aliquando discessum est. Quod nunc Stephanus ausus est facere rumpens adversum vos pacem, &c. *Firmil. Epist. ad Cypr. inter Cypr. Epist. 75. p. 220.*

Lites enim & dissensiones quantas parasti per ecclesias totius mundi? Peccatum vero quam magnum tibi exaggerasti, quando te a tot gregibus scidisti? Excidisti enim teipsum: noli te fallere. Siquidem ille est vere schismaticus, qui se a communione Ecclesiasticæ unitatis apostatam fecerit. Dum enim putas omnes a te abstinere posse, solum te ab omnibus abstinaisti *ibid. p. 228.*

Et tamen non pudet Stephanum — Fraternitatem scindere, &c. *p. 229.*

Expressions, which those who do not compare their Words with their Deeds, have drawn very odd Consequences from. How often have we been told, that in the Primitive Times 'twas held for a Maxim, that he who was a Schismatic from one sound Branch or Part of the Christian Church, was esteemed a Schismatic from the whole Christian Church, and was consequently deny'd Communion with the Christian Church, and shut quite out of it? And what strange Inferences have been drawn from thence, especially in Opposition to those, who maintain'd Communion with such Bishops, as were upon some Account or other Schismatics? Now the Truth is, the Correspondence between the Ancient Bishops by communicatory Letters was (generally speaking) strictly maintain'd; and 'twas usual for them to refuse Communion to Schismatics: so that those who separated from their own Diocesan (and consequently could not carry his Letters to the Bishop of a Neighboring Diocese) were not admitted to Church Communion, when they travel'd beyond the District of their own Bishop. By this means, whosoever separated from one sound Branch of the Christian Church, was (generally speaking) effectually shut out of the Communion of the whole Christian Church; because other Members of the Christian Church would not receive him. This was the ordinary Punishment of those who were guilty of the Schism of Subordination; that is, 'twas the ordinary Punishment of such Inferiors (whether Clergy or Laity) as separated from their own Superior or proper Diocesan Bishop. But then how does this affect the Case of a Schism of Coordination; that is, a Schism between Equals, *viz.* between two Diocesans? Oftentimes one Bishop wou'd ratifie the Censures

tures of another Bishop, and consequently wou'd deny Communion to the Person censured by him (and 'twere to be wished, that no Censures were passed by any Bishop whatsoever, but such as every other Bishop ought in Conscience to ratifie) but the Primitive Bishops did not always act thus, they did not always ratifie each others Censures, as appears by the flagrant Instances already mentioned. And as for the Flock of any such Bishop, as was guilty of Crimes exposing him to Censure, the Primitive Church never thought them at liberty to separat from their Diocesan, till their Relation to him was dissolved, which his being guilty of the Schism of Coordination was never imagined to do without a regular Deposition. Great Care therefore must be taken in this Controversy, that those Passages which manifestly relate to the Schism of Subordination, be not apply'd to the Schism of Coordination. Otherwise we shall unavoidably blunder into such Absurdities, as may be most fatal to the Consciences of Men, and of inexpressible Mischief to the Church, and utterly destructive of her Peace.

But it may be objected, that St. (f) *Cyprian* says, *Plebs obsequens præceptis Domini, & Deum metuens, a peccatore præposito separare se debet.* Now Schism is a most heinous Sin, and consequently in St. *Cyprian's* Judgment, the Flock ought to separat from their Bishop, if he becomes a Schismatic. But I would fain ask the Nonjurors, whether they will care to own, that this Proposition of St. *Cyprian* is universally true, viz. that a Flock must separat from their Bishop, if he becomes a wicked Man; or what Reason they can give, why a Flock must separat from their

(f) Epist. 67. p. 171.

their Bishop; if his Wickedness be the Schism of Coordination; altho' they need not separat from him, if his Wickedness be of another Nature, suppose Murder or Drunkeness. Till this double Question be resolved in a satisfactory Manner, I hope St. *Cyprian's* Authority will not be too warmly urged; since the Nonjurors themselves will hardly stand to the Truth of St. *Cyprian's* Assertion in the full and obvious Sense of it (in which alone it can oppose me) any more than I shall do.

But in reality this Passage of St. *Cyprian* can't be dragged into our present Controversy. It may indeed be as pertinently urged in Favor of the Doctrin of Transubstantiation. For St. *Cyprian* is speaking of the Duty of those Flocks, which were at that time actually under the Government of *Sabinus* and *Felix* upon the Deposition of *Basilides* and *Martialis*. For it seems, *Basilides* and *Martialis* would not acquiesce in what was transacted by the Neighboring Bishops; but still officiated as Bishops in opposition to the new ones, *Sabinus* and *Felix*, who were placed in their rooms. Now since *Basilides* and *Martialis* had been deposed for great Crimes; therefore each of them might well be distinguished from his Successor by being stiled *peccator præpositus*, the sinful Bishop; for deserving which Character he had been deposed. St. *Cyprian* therefore does by no means say, that a Flock must separat from their Bishop, if he be a wicked Man (whether his Wickedness be Schism, or of what kind soever it be) but he tells those Flocks, whose Case he was then considering, that they ought to separat from *Basilides* and *Martialis*, each of which was the *peccator præpositus*, in contradistinction to their respective Successors; and adhere to *Sabinus* and *Felix*, who were their proper Bishops by the Deposition of *Basilides* and *Martialis*.

Which

Which way therefore does this Passage of St. Cyprian relate to the Case of those Bishops, who can be no otherwise esteemed Schismatics, than upon the account of their acknowledging Schismatical Intruders into Neighboring Sees?

But St. Cyprian (g) elsewhere says, *Quisque conspirationi & factioni ejus adjunxerit, sciat se in ecclesia nobiscum non esse communicaturum, qui sponte maluit ab ecclesia separari.* Now if this Passage should be thought to favor the modern Notions of the Contagion of Schism, it must be remembred, that 'tis spoken of those only, who separated from St. Cyprian himself, their proper Diocesan; and who were therefore guilty of the Schism of Subordination. And consequently this does not at all affect the Case we are discoursing of, viz. the Schism of Coordination, and the Duty of those Flocks whose Bishops are guilty of it.

I confess, there is one other Passage of St. Cyprian, which seems to bear hard upon me. Speaking of Novatian he (h) says, *Qui ergo nec unitatem spiritus, nec conjunctionem pacis observat, & se ab ecclesiae vinculo, atque a sacerdotum collegio separat, Episcopi nec potestatem potest habere, nec honorem, qui Episcopatus nec unitatem voluit tenere nec pacem.*

Now suppose this Passage to be directly opposit to what I have been advancing; yet we all know that St. Cyprian was by no Means infallible. I dare say, whoever has read him, does in a variety of Instances dissent from him. His great Error about the Baptism of Heretics, is notorious, and has been universally condemned: and 'tis certain: that
he

(g) Epist. 41. p. 80.

(h) Epist. 55. p. 112.

he did not either reason or think clearly upon the Nature of the Church, which was (at least partly) the occasion of his Error beforemention'd. It ought not therefore to be wondred at, if he had dropt some Words, which I might be forc'd to give up, as inconsistent with my Notions. Nor indeed shall I ever be afraid or asham'd to dissent from St. Cyprian, if I have Scripture and Reason, or either of them, on my side ; as I am sure I have in this very Instance.

But farther, the Truth on't is, St. Cyprian is in this Passage inconsistent with himself, if he be inconsistent with me. Every body knows, that he wrote with great Warmth and Vigor, and that he always push'd a thing as far as Words would carry it. No wonder therefore, if he sometimes over-shot himself, and uttered such Expressions in the full Career of his Zeal, as greatly needed Correction, and ought to be understood with many Grains of Allowance. But surely a Man's Words and his Actions ought to be compared together, and to interpret each other. And indeed 'tis much more reasonable to explain a Man's Words by his Actions, and to take his *hasty* Words in such a qualify'd Sense, as makes them consistent with his most *deliberat* Actions ; than to carry his Words to the utmost Stretch, and take them in such a rigid Sense, as sets them at Variance with his Actions, and consequently renders the Person selfcondemned. I think this a standing Rule of common Equity, which can't honestly be broken with regard to any Man whatsoever. And if this Rule be apply'd in St. Cyprian's Case, I can apprehend no Danger from any thing he has written. For I have shewn, that he own'd those for Bishops, whom he knew and declar'd to be Schismatics, as being guilty of break-

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ing the Union of the Episcopal College. And consequently, what Words soever he suffer'd to slip from him in his Heat and Transport, his notorious Conduct must be permitted to soften and temper them ; so that it must not be imagined, that in his cooler Judgment he did really condemn, what I have evidently shewn to be right and true, whether he did seem to condemn it, or no.

Upon the whole, I conclude, that the Fathers of the three first Centurys were utter Strangers to the modern Notions of a Bishops forfeiting his Right to his own See, by acknowledging a Schismatical Intruder into a neighboring See ; and of the Flocks being oblig'd to withdraw their Obedience from their own Diocesan, when he becomes a Schismatic by the Acknowledgment of such an Intruder. And consequently the late Dr. Compton continued rightful Bishop of *London*, and the People of this Diocese were oblig'd to maintain Communion with him as such, even to the Day of his Death, in spite of those novel Fansys about the Contagion of the Schism of Coordination, which have lately been propagated amongst us.

C H A P. V.

An Objection from the Second Canon answer'd.

BUT there is one other Pretense against the Right of that Venerable Father, which still remains to be consider'd.

Our Second Canon (of the Year 1603) runs thus,

Whosoever

Whosoever shall hereafter affirm, that the King's Majesty hath not the same Authority in Causes Ecclesiastical, that the Godly Kings had amongst the Jews, and Christian Emperors in the Primitive Church, or impeach in any Part his Regal Supremacy in the said Causes restored to the Crown, and by the Laws of the Realm therein established; let him be excommunicated ipso facto, and not restored but only by the Archbishop after his Repentance, and public Revocation of those his wicked Errors.

From hence (because we are now disputing upon the Principles of the Nonjurors; and accordingly we must now suppose, in Consequence of our former Concessions, that as King *James II.* was, so the Pretender is, the King meant in the Canon) some have been pleased to argue, that whoever has deny'd or impeach'd the Ecclesiastical Authority or Supremacy of the late King *James II.* or of the present Pretender, whom they call King *James III.* is excommunicated *ipso facto*. And therefore all those who have taken the Oaths imposed since the late Revolution, are excommunicated *ipso facto*. And since 'tis notorious, that Dr. *Compton* did take the said Oaths, therefore he lay under that Sentence of Excommunication (which undoubtedly implies a Deposition from his Bishopric) and ceased to be Bishop of *London*; and we were accordingly bound to separat from him, and to disown his Authority.

Now the whole Force of this Reasoning depends upon a false Notion of an *ipso facto* Excommunication. We have been told with great Assurance, that the declaratory Sentence of a Judge is not necessary in an *ipso facto* Excommunication; but that the Excommunication immediatly takes Place, and the Offender is actually excommunicated, as soon as ever the Fact is committed.

Whosoever therefore becomes guilty of any Fact, for which an Excommunication *ipso facto* is decreed, is thereby, without any formal Sentence, actually expelled the Church, and to be for the future esteem'd no Member of it.

But I would fain know, from whence this Notion was fetch'd, what Authors do warrant it, and what Library in Fairy Land is furnish'd with those Authors. Do any of the Canonists deliver it? No; but they expressly declare the contrary; as every body knows, that will so much as dip into them. I shall not therefore trouble the Reader with a large Account of this Matter (it being besides the Business of my Profession) but briefly suggest a few Things, which I hope will effectually clear the Sense of the Canon, and discover the egregious Folly of the whole Objection.

In the Ecclesiastical Courts, when a Person is found Guilty, there must be a Sentence pronounced, before the Punishment can be inflicted. This Sentence is sometimes specified by Canon: but at other times 'tis left to the Judge to decree such Punishment as he esteems reasonable. And as the Judge is in some Cases obliged to pronounce the Sentence immediatly after the Matter is brought to an Issue; so in other Cases he is at Liberty to defer the Pronunciation of it. The highest Punishment is that of Excommunication; which, because it is so grievous, is generally preceded by one or more Monitions. But when the Crime is very heinous, the Sentence of Excommunication is often pronounced without any previous Monition.

Whosoever therefore a Canon decrees, that such an Offender be excommunicated; the Sentence being in this Case particularly specify'd, the Judge is obliged to decree nothing less than Excommunication

communication it self. But then, because in ordinary Cases, the Judge has a discretionary Power of deferring the Sentence, or of decreeing one or more Monitions before he pronounces it: the Church thinks it advisable to restrain the Judge in Cases extraordinary, and obliges him to a shorter Course, when the Blackness of the Crime calls for Severity, and a speedy Execution of Justice. And accordingly in this Instance of denying the King's Supremacy, she effectually prevents the Judge's (otherwise possible) Inclinations to favor the Offender or respite his Punishment, by prescribing and injoining an immediat Pronunciation of the Sentence, as soon as ever the Fact is prov'd; and she thereby peremptorily forbids the Use of even such Forms of Monition as are ordinarily granted. And therefore the Church in this, and other the like Offences of the deepest Dye, decrees that the Offender be *ipso facto* excommunicated; that is, she decrees, that as soon as ever his Guilt appears, the Punishment of Excommunication be instantly inflicted; and the Excommunication being then pronounc'd, do's actually take place that very Moment. Nor does she allow the Offender to be releas'd from his Punishment of Excommunication by the Absolution of any such Ordinary as pass'd the Sentence (and who has, generally speaking, the Power of absolving those on whom he inflicted the Punishment) but she makes it necessary, that he be restored only by the Archbishop himself. Nor does she suffer even the Archbishop to absolve him without Repentance, and a public Revocation of his wicked Errors.

There is therefore a plain difference between decreeing a bare Excommunication, and decreeing an Excommunication *ipso facto*; and you see, wherein

wherein that difference does consist, the one Decree being manifestly much more severe than the other.

But then, whether the Offender is decreed barely to be excommunicated, or to be excommunicated *ipso facto*; there must of Necessity be a Sentence declaratory by the Judge, before he becomes actually excommunicat, and is to be esteem'd and treated as such. And consequently the Guilt it self does by no means inflict the Punishment (as some have vainly imagin'd) tho' it makes the Guilty Person liable to it. This the Canonists do so unanimously assert, that I am really ashamed to think it should need being proved to any Man, who argues from the Sense of a Canon, and who considers at the same time, what execrable Havock the contrary Notion wou'd make (if true) not only amongst those who have comply'd with the present Government (for these Objectors don't seem over compassionat in our Case) but in the whole Church of Christ.

However, I have given (a) a few Authorities in the

(a) Alioquin c ipso jure ipsis ipsos decernimus fore privatos. Const. D. Othon. *Licet ad profugandum.*

Upon which Jo. de Athona notes thus,

c. *Ipsa jure.* Hoc casu tamen fertur Sententia Declaratoria delicti, ut notat Gui. Extra de homic. c. 1. in fi. li. 6. & e. li. de panis. ca. falicis. in glo. ver. infamis. per eundem. ff. de jure fisci. l. ejus.

Sub pœna suspensionis ab Officio & Beneficio, quam in ipsos b ferimus — ne causari possint, cum ad l executionem privationis in eos latæ sententialiter in constitutione prædicta processum fuerit, se monitos non fuisse. Siqui autem prædictæ constitutionis recitationem malitiose impedierint, Excommunicationi subjaceant p ipso facto. Constit. J. Peccham. *Quia incontinentia.*

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the Margin ; nor do I know one single Canonist of the contrary Opinion.

And indeed, the very Wording of our Canon (one would think) naturally leads Men to that Interpretation of an *ipso facto* Excommunication, which I have given. For the Canon does not say, *We decree, that he is, or that he actually stands, ipso facto excommunicated*, or the like : but it says, *Let him be excommunicated ipso facto*. It speaks imperatively, and consequently in the future Tense ; that is, he shall be *ipso facto* Excommunicated. Very well ; but by whom shall he be excommunicated

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On this Constitution part of Lyndwood's Notes (Lib. I. Tit. 2.) are as follows.

b Ferimus. Et sic hæc est pœna sententiæ latæ, quam incurrit inobediens ipso jure. Executio tamen hujus pœnæ fieri non debet, nisi prius per ipsum, ad quem pertinet, sententia declaratoria super hoc fuerit promulgata, ut legitur in *c. Cum secundum leges. de Hære. lib. 6.*

l Executionem. Facta prius declaratione ipsos beneficiis suis hujusmodi fuisse & esse privatos ; licet enim ipso jure privati sint, necessaria tamen est sententia declaratoria, ut *no. Jo. de Athona dicta constitutione Othonis, Licet ad profugandum. ubi habet super hoc remissiones ad Arch. de homicid. c. 1. in fi. lib. 6. & eod. lib. c. felicis. de pœnis in glossa. ver. infamis per eundem.*

p Ipso facto. Et sic est constitutio latæ sententiæ. Cui concor. quod *no. per Jo. An. in c. quam sit. ver. eo ipso. de elect. lib. 6. & per Arch. eod. ver.* Requiritur tamen sententia declaratoria, secundum Doctores prædictos. Pro quo etiam notat *Arch. de homicid. c. 1. glo. ult. lib. 6. & optime in c. felicis. ver. infamis. de pœnis eod. lib. per eundem.*

Nay, our common Lawyers (tho' their Authority is of less Weight in this Case) are of the same Opinion.

10 Eliz. Dyer 275. upon the Statute of 5 *Edw. 6.* for striking in the Church, that *ipso facto* he shall be excommunicated, is to be intended, he shall be excommunicated after Sentence, or due Trial and Conviction, and not before. *1 Co. 680. See also Ventris's Rep. 1. 146.*

ipso facto? By the Judge, no doubt. And must not the Fact then appear to that Judge, who excommunicats the Offender *ipso facto*? Yes surely, or else the Judge ought to be *ipso facto* excommunicated himself. The Wording of the Canon therefore implys a judicial Process, and a formal Sentence, without which there is no Pretense for the Offender's standing actually excommunicated, how much soever he may deserve it.

To what has been already said, I can't forbear adding (as well in Justice to the greatest part of the Nonjurors, as in Confirmation of what I have written) a short History of the Rise and Progress of this Notable Argument.

Tho' the Canons of 1603 have decreed an *ipso facto* Excommunication for diverse Crimes, besides that of denying or impugning the Regal Supremacy, many of which Crimes (as will appear by the Perusal of the several Canons) must frequently have inflicted that Sentence, if the abovemention'd Notion of an *ipso facto* Excommunication had been true; and consequently we could not have wanted too great a Plenty of undoubted Precedents to ascertain what the Canon means by an *ipso facto* Excommunication: yet 'tis very remarkable, that this Notion was never thought of (I will not barely say *before*, but) even *after* the Revolution, by any of the *English* Nonjurors, till the Year 1693; notwithstanding the Disputes about the Revolution, and the Oaths Consequent upon it, and the (supposed) Schismatical Intruders into the Sees of the deprived Bishops, had been warmly managed by very many learned Men, who had searched all Corners for Arguments, to defend themselves, and annoy their Opponents. Nay, so little did either Party then dream of this new Notion of an *ipso facto*

facto Excommunication (which must have made strange Work, as differently apply'd by those who respectively admitted the opposit Claims to the Crown) that after the Oaths were generally taken (and consequently this pretended *ipso facto* Excommunication was actually incurred, and must have operated both ways, and each Party must have been metamorphosed into Heathens by it, in the Judgment of those that differed from them) the Nonjuring Bishops, Clergy, and Laity, maintained Communion with such as had taken the Oaths; nor did either sort suspect, that the others stood actually excommunicat by virtue of this Canon, for denying and impugning the Supremacy of the rightful King (and consequently that Communion with them was unlawful) till Bishops were consecrated for the Dioceses of the deprived ones (Dr. Tillotson, May 31. 1691, and others soon after in the same Year) and a Schism was begun in the Church upon the Account (not of the modern Pretenses of *ipso facto* Excommunications, or immoral Prayers, upon which so great Stress is laid at present; but) of opposit Claims of different Bishops to the same See.

How then did this Conceit start up amongst us? Why, it seems, an eminent *Scotch* Nonjuror (who at the same time confessed himself very much a Stranger to the Constitution and Policy of the Church of *England*) chanced to read the Canons of 1603; and it came into his Mind, that such an Argument might be formed from the Second Canon, as might be of Use to his Brethren of the Separation then newly made in *England*. Accordingly he suggested it to a Friend by Letter, wishing it might be examined, &c.

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This Hint was greedily caught, and *Considerations on the Second Canon* were accordingly printed in 1693, wherein this mighty Secret, this dead-doing Argument, is divulged to Mankind. But what Success did it meet with? Did the Generality of the Nonjurors embrace it, and think it of any Moment? So far from that, that I do not remember, that either Dr. *Hickes*, or Mr. *Dodwell*, or any one Writer of Consideration, has ever vouchsafed to make use of this new Invention (let the warmest Admirer of it shew me the contrary, if he can) but it slept most quietly, till 'twas cooked up of late by some Zealots in the Separation, since the Decease of all the deprived Bishops, merely to support the Schism upon a new Foot, because the old one has so manifestly fail'd them (notwithstanding the Succession of Suffragans privately consecrated, of which more hereafter) and 'tis now inculcated with great Industry, and crammed into the Ears of the Injudicious, to strengthen the Interest of a Party, tho' 'twas never esteemed of any Weight by the Nonjurors themselves in former times, as has been observed above.

Strange indeed! that a Nation must be unchristian'd by the lump, all on a sudden, in Compliance to the new Interpretation of an *ipso facto* Excommunication; and that a small Handful of the present Nonjurors must now treat us as Excommunicats for having comply'd with the present Government, notwithstanding the deprived Bishops and Clergy (who had certainly the greatest Cause to complain and deal roughly, and were every whit as wise and honest as their Successors) and all the Nonjuring Laity, for so long Time after the Revolution, never knew of any such Censure, and did accordingly never scruple to communicat with
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such as had taken the Oaths, till the Deprivation of the Nonjuring Bishops in 1691, which bears no relation to this new minted Charge, founded on the Second Canon.

And after all, what new Light has been struck? What Discoverys have been made? Which way do they turn this Canon upon us? Truly their whole Force is to be seen in the *Considerations* above mentioned. For even the Author of a late Pamphlet intitled *The Case of Schism in the Church of England truly stated*, has barely abridged what the Author of the *Considerations* had written. Now the Author of the *Considerations* (to give him his due) lays about him furiously, and rings Peals of Thunder into the Ears, not only of those that have taken the Oaths, but of all others also, that have communicated with them since their being (as 'tis pretended) *ipso facto* excommunicated for taking them.

I will present the Reader with a Specimen of this Masterpiece. You can expect (says he (b) speaking of the Case of a Clergyman that had taken the Oaths) *no return of Prayers made with him, with whom you ought not to communicate. The Blessed Sacrament confers no Benefit received from his Hands. He cannot authoritatively bless the People of God, who is himself under a Curse, and excluded from being a part of them. And here I think, all those who have join'd themselves to such Persons, to be highly concern'd to lay their Hands on their Hearts, and consider well what they have done in communicating with them hitherto; and whether they can think it safe to continue therein. For in communicating with them as they are Schismatics, they make themselves Schismatics; and in communicating with them as they are Excommunicates, not only all their Labour is lost, but they*
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(b) p. 26.

get a Curse instead of a Blessing. And (c) again, I desire all those seriously to consider this, who flock to the Parish Churches, where they not only join in Communion with Excommunicates, but the very Persons who perform all the Ministerial Offices, lie under the Censure of Excommunication by Virtue of the forecited Canon. What Madmen would turn their very Prayers, their Sacraments, and all their Christian Offices into Sin! For thus they do, who take this Course. And (d) again, No pretended Necessity can excuse you in such a Compliance, as to join with them in the Acts of Christian Worship and Communion. For let the Case be never so hard, there can be no Necessity of sinning. And such communicating will be a very great Sin on many Accounts. And in general, as he supposes all who had taken the Oaths, whether Clergy or Laity, were thus *ipso facto* excommunicated; so he says (e) with respect to every such Complier, that all Persons ought to stand upon their Guard against him, and not only keep him from the Publick Service, and drive him out of their Churches, as a Profaner of their Communion, and one who has no Right to it, and as one who is infectious and injurious to them, and makes their Communion ineffectual: but farther they ought to take care that they join not in any Private Devotions with him, nor admit him to Prayers with them, tho' in their own Houses.

Now would not a Man naturally expect and hope, that every considerat Christian would be very tender in so nice a Case, that he would be cautious how he uttered such severe and peremptory Denunciations of Vengeance, that he would be very well assured of the Truth of his Notion, before he laid such prodigious Stress upon it; and that he would offer very substantial Reasons for his Opinion, before he pressed it so unmercifully upon the

(c) p. 28. (e) p. 27. (d) p. 29.

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the Consciences of others! What therefore did this Author (for I need not now mention the Gentleman that abridg'd him) produce? What Evidence does he give, that his Notion of an *ipso facto* Excommunication is right, notwithstanding the whole World, and even those of his own Party (who were surely as well skill'd in our Church Canons as himself, or his Friend in *Scotland*) had never hitherto been aware of it, but acted in such a Manner, as was utterly unjustifiable before God and Man, if it be true? Does he appeal to the Canonists (the most proper Authors) or to the Church's Practice, for the Establishment of it? Nothing like it. He alleges neither one single Fact, nor one single Authority, to support his new Sense of so old and so common a Phrase (notwithstanding he does his utmost to send a whole Nation to the Devil by it) but roundly (f) tells us, that such Offenders *ought to be treated as excommunicate ipso facto upon the Authority of the Canon, without waiting for the declaratory Sentence of a living Judge*. So that if you will take his bare Word for it, the Point is clearly proved, in spite of all that common Sense, and the concurrent Opinion and Practice of the most competent Judges, can furnish to the contrary.

Blessed be God, this does not affect the main Body of the Nonjurors. The far greater and better Part of them have not been so indiscreet. Nay, the excellent Mr. *Kettlewell* has, with his usual Modesty and truly Christian Spirit, confuted this vile Notion in a few Words, saying (g) that an *ipso facto* Excommunication is *only Sententia lata ab ipso jure, a Sentence pass'd by the Law, which as the Canonists say, needs Sententiam latam a iudice, another Sentence pass'd*
by

(f) p. 25. (g) *Of Christian Communion*, Part 3. ch. 7. p. 99.

by the Judge, an *ipso facto* Excommunication by any Canons not barring Men from Communion, till there be a declaratory Sentence, as Lyndwood notes. And in the Margin he quotes two Passages of Lyndwood, which establish his Assertion. And surely it had been worth our Author's while (if he wrote after Mr. Kettlewell; as I am persuaded he did, tho' both their Books bear Date the same Year) to be sure it was worth another Gentleman's while, before he ventured to reprint our Author's Notion, and spread it afresh, to consider the Passages alleg'd by the admirable Mr. Kettlewell (whose Book he must needs have seen) or at least to have counterpoised them by other Authoritys of equal Estimation. But if neither our Author, nor his Abridger, had ever seen one single Authority on my side of the Question; yet methinks each of them should have trembled at broaching his own, without the strictest Demonstration of the Truth of it, for which he does not pretend so much as one Voucher.

In short therefore, if the Second Canon must be understood in the same Sense now, as it was to be understood in the Year 1690 (which will be readily granted) then either we do not stand excommunicat now for taking the Oaths (and consequently these Objectors, after all their Confidence, don't know what an *ipso facto* Excommunication means) or else the whole Body of the Nonjurors in 1690, did not understand what these Objectors esteem the plain Sense of the Canon, but acted in flat Contradiction to it. Or (which is all one) if the 2d Canon did not make it unlawful to communicat with such Persons as had taken the Oaths in 1690 (for which I have the joint Suffrages of all the then Nonjurors, who were as good Casuists and Canonists, as any of the present ones) then the very same Canon
can't

can't make it unlawful to communicat with us, who have taken the Oaths in 1716.

And consequently, tho' I could offer many Things in favor of the late Bishop *Compton*, were the Words of the Canon really liable to that Construction, which some have (thro' Mistake, I hope) put upon them: yet since an *ipso facto* Excommunication (tho' never so much deserved) signifies nothing, nor has any Canonical Effect, till a Sentence declaratory is given; 'tis certain, that Bishop *Compton* could not forfeit the Right to his See by reason of any *ipso facto* Excommunication, altho' his taking the Oaths imposed since the Revolution, might justly have expos'd him to that Censure by Virtue of the second Canon.

C H A P. VI.

That the Nonjurors Separation from the Communion of Bishop Compton was Schismatical.

THUS have I examined all the Pretenses, that have been advanced against Dr. *Compton's* continuing rightful Bishop of *London* to the Day of his Death; and I have discover'd the Vanity of them. From whence it follows, upon the Principles of the Nonjurors, that the Clergy and Laity of this Diocese were indispensably bound to maintain Communion with him as Bishop of this See, so long as God suffered him to live amongst us, and preside over us. And therefore, since the Nonjurors did separat from his Communion, and disown his Authority, and set up an Altar in opposition to his; 'tis

'tis plain, that this Fact of theirs was Schismatical, and most highly criminal, it being nothing less than a downright Rebellion against that Ecclesiastical Authority, which God had been pleased to appoint over us, and which he expected and commanded our Submission and Obedience to.

C H A P. VII.

Of the pretended Immorality of our Public Offices.

BUT we are told, that during the last Years of Bishop *Compton's* Life, the Nonjurors were forced to absent themselves from our Public Assemblies (and consequently to separat from his Communion) because those Persons were prayed for therein as Sovereins of this Realm, whom they esteemed barely *de facto* such. And consequently the Guilt of the Schism must be charg'd on those, whose Pollution of our Liturgy, by the Addition of immoral Prayers to our Public Offices, made a Separation absolutely necessary.

In answer to this Argument, 'tis in vain for me to plead, that those whom the Nonjurors esteemed barely *de facto* Sovereins, during the last Years of Bishop *Compton's* Life, deserve a better Name. Nor shall I inquire, whether the Forms in our Liturgy might not be used for such as were *de facto* regnant Princes, altho' they stepped irregularly into the Throne, and could not be stiled Rightful Sovereins. Because I am determin'd to dispute all along upon the Principles of the Nonjurors themselves; and I must therefore be obliged to grant (tho' I am very
far

far from believing) that it was unlawful to pray, in the Terms of our Liturgy, for those Princes who have filled the Throne since the Revolution: and consequently, that if the Nonjurors could not maintain Communion with Bishop *Compton*, by frequenting the Public Assemblys in his Diocese, during the last Years of his Life, without joining in those (supposed) immoral Prayers; then they were bound to separat from the Public Assemblys. Nor could their Separation then be esteemed Schismatical; because the Imposition of a sinful Term of Communion had made it unavoidable.

The Question therefore is, whether joining in the (supposed) immoral Prayers, for the *de facto* Princes, was made a Term of Communion with the Public Assemblys in this Diocese, during the last Years of Bishop *Compton's* Life.

And in order to the Resolution of it, I observe,
1. That 'tis undoubtedly the bounden Duty of all Church Governors to use their best Endevors, that nothing be inserted in the Public Liturgy, but what is agreeable to God's Will, and such as every Person may cordially approve of, and join in. 2. That unless there be evident Proof of the contrary (which can't be pretended in the Case now under Consideration) we ought in Charity to believe, that Church Governors have, to the best of their Power, acted according to this Rule; and that they know of nothing in the Public Liturgy, but what they esteem consistent with a good Conscience, and such as they are persuaded the respective Congregations may lawfully bear a part in. 3. That we must presume it to be the Design and Desire of Church Governors, that all who frequent their Assemblys, should accordingly
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join throughout in all the Parts of the several Offices prepared for Public Use; and that they do accordingly expect such a Compliance of the several Congregations subject to their Authority. 4. That those who frequent the Church Assemblies, ought, if possibly they can without the Guilt of Sin, to conform in all respects to the Public Liturgy, that there may be, as far as Human Imperfection will permit, a perfect Harmony of all the Church's Members in the Use of all her Public Offices.

Now if both Superiors and Inferiors do proceed after this Manner; that is, if Superiors do provide such a Public Liturgy, as all their Inferiors may join in throughout; and all the Inferiors do comply in every Particular with what their Superiors injoin: then every Particular which the Superiors require, and the Inferiors perform, may be called a Term of Communion. And because the Injunction of Superiors does in all lawful Matters infer an Obligation on the Inferiors to obey; therefore every Particular, in which the Inferiors are bound to conform themselves to the Will of their Superiors, may be properly said to be *imposed*, and made a Term of Church Communion.

But then, in the Course of this troublesom World it happens too frequently, that a Man can't conform himself to the Will of his Superiors without doing what he esteems sinful; and accordingly something may chance to be inserted into a Public Liturgy, which a Man not only can't approve, but thinks utterly repugnant to God's Will. In such a Case 'tis indisputably clear, that a Man who is thus persuaded, ought not to join in this (supposed) immoral Part of the Liturgy. Because he who acts against the Light of his own Mind (whether his Conscience be erroneous, or no) does certainly offend

offend God. But then the Question is, whether this (supposed) immoral Part of the Public Liturgy be imposed as a Term of Church Communion, or no.

For the Solution of this Difficulty let it be noted, that there is a twofold Imposition of a Term of Church Communion, the one *intentional*, the other *peremptory* or *final*. Every Church Governor, when he promulges a Term of Church Communion, is suppos'd to believe that his Inferiors may lawfully close with it; and consequently he expects, desires and intends, that they comply with his Will, and actually conform in that Particular. This Declaration of his Will therefore, this Proposal of the Thing to be don, is an *intentional* Imposition of that Term of Church Communion. Because the Lawfulness of a Superior's Command, infers an Obligation on the Inferior to obey: And accordingly there is an *intentional* Imposition of every Prayer, that is inserted into the Public Liturgy by competent Authority. But then, when a Governor finds, that a Term of Church Communion is not comply'd with, and that his Inferiors refuse Obedience to his Commands, and will not do what he proposes and requires; we know, that 'tis in his Power to inflict Punishment, and thereby to enforce his Injunctions. And if he does so; if he insists upon his Inferiors Obedience, and resolves to make them conform themselves to his Will, and come up to that Term of Church Communion which they are heartily unwilling to comply with: then, besides the *intentional* Imposition of it, there is also a *peremptory* or *final* Imposition of that Term of Church Communion; and the Superior makes it thereby absolutely necessary for his Inferiors, either to join in that Term of Church Communion, as well as in others, or else to suffer for the Refusal.

Now when the Question is, with respect to a particular Term of Church Communion which an Inferior judges to be unlawful, whether it be imposed by the Superior as a Term of Church Communion, or no; the meaning always is, not whether there be an *intentional*, but whether there be a *peremptory* or *final* Imposition of it. Every Command or Injunction of a Superior implies an *intentional* Imposition of the Thing commanded or enjoined; and there is no Doubt but the Inferior sins, if he be refractory and stubborn, whether the Superior shall be pleased to add a *peremptory* or *final* Imposition of it, or no: but in case the Inferior judges a Term of Church Communion to be unlawful, 'tis in the Superior's Breast, whether he will proceed farther than an *intentional* Imposition; whether he will be content, that the Consequence shall barely rest on the Inferior's Conscience, or insist upon his Conformity to what is prescribed, by a *peremptory* or *final* Imposition of it. Whensoever therefore a Term of Communion is made known, there can be no doubt of the *intentional* Imposition of it: but even after 'tis made known, and a Compliance is undoubtedly expected, or perhaps in plain Terms, and by a personal Application, demanded of the Inferior; yet the Church Governor still reserves it to himself, whether there shall be also a *peremptory* or *final* Imposition of what he requires; and he may determine differently in different Cases, as his own Goodness and Discretion shall lead him.

Wherefore in the Case before us, concerning the (supposed) Immorality of our Public Offices, there is no doubt, but that there was an *intentional* Imposition of the Prayers for our *de facto* Temporal Governors, in the Terms of the Establish'd Liturgy, during the last Years of Bishop Compton's Life: but the

the Question is, whether there was also a *peremptory* or *final* Imposition of them, so that they became a necessary and unavoidable Term of Church Communion, which every Person that then frequented the Public Assemblys of the Church of *England* in this Diocese, was constrain'd to join in.

And surely this Question is very easily answered. For was not this (supposed) Immorality introduced in the Beginning of the Year 1689? And was it not evident to all Mankind, that the Nonjuring Bishops and Clergy, as well as the Nonjuring Laity (who came to the Public Churches till the Consecration of the Antibishops, that is, till about Midsummer in the Year 1691, when the Schism commenced) did not join in the Public Prayers for those who filled the Throne after the Revolution? And is it not equally evident, that many of the Nonjuring Clergy and Laity have all along done the very same, and do continue doing so, to this very Day? And has any one of them ever suffered, or been driven out of the Public Assemblys, and refused our Communion? nay, has any one of them ever been so much as prosecuted, even in the slightest manner, upon that account? I'm sure, if the Nonjurors can, on the one hand, satisfy their own Consciences in refusing to pray for those Princes who have been well assured of the Goodness of their own Titles, and whose Right could not depend upon the Nonjurors Opinion of it (for which I leave the Nonjurors, as I hope they will be content to leave others, to the Judgment of God) I am sure, I say, that 'tis plain on the other hand, that so great has been the Lenity of our Church Governors (and God grant that such it may always continue) that even this notorious Noncompliance has never yet provoked any one of them (that I

have heard of) to do any one severe thing (tho' it has been too often in their Power) to any one Person, that has refused, tho' never so openly (I wish it might not be said, sometimes indecently) to join in those Parts of our Liturgy. And consequently it can't be pretended, that the (supposed) immoral Prayers were imposed (that is, *peremptorily* and *finally* imposed) as a Term (that is, a necessary Term) of Church Communion in the Public Assemblys of this Diocese, or that the Nonjurors had Reason to separat from the Public Assemblys upon the account of them, during the last Years of Bishop *Compton's* Life.

But it has been pleaded, that by joining in the Service of the Public Assemblys of this Diocese, during the last Years of Bishop *Compton's* Life, the Nonjurors might seem to join, tho' they did not join in Fact, in those (supposed) immoral Prayers; and that they might consequently give Scandal by their Presence in the Public Assemblys, as if they really approved all the Prayers that were offered in them. To this I answer,

1. Tho' it were earnestly to be wished (and doubtless it was originally designed) that every Person present in a Religious Assembly should join throughout in the Devotions of it; yet alas! it has been for many Years too notorious, that we have been divided in our Opinions concerning the Right of our Temporal Governors, and that too many have accordingly refused to pray for them in the Terms of our Liturgy. So that being present at our Public Assemblys, has for too long a Time been esteemed no Proof of a Person's joining in (the now supposed) immoral Prayers. And indeed, the very Form of our Liturgy has afforded the scrupulous a most convenient Opportunity of signify-

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ing their Dissent to those Parts of our Public Devotions. For our Prayers being divided into so many short Collects, to which the People are required to say *Amen*, whosoever does constantly say *Amen* at the Conclusion of all the other Prayers, and does as constantly forbear it at the Conclusion of those for our Temporal Governors, does thereby so notoriously signify his Disaffection to them, and his Refusal to pray for them in the Terms of the Church's Liturgy, that one would much sooner apprehend the Danger of some Temporal Inconvenience from such an avowed Opposition to them, than the Danger of giving Scandal by seeming to pray for them.

If it should be said, that we declare in *St. Chrysostom's* Prayer, that we have *with one Accord* made our *Common Supplications* to God, and that that Expression virtually includes the whole preceding Office; and consequently it imply'd in the last Years of *Bishop Compton's* Life, that those who used it, joined with the Congregation in Prayers for our *de facto* Princes: I answer, 1. That where there had been a notorious Dissent to those particular Prayers, as God could not, so Man would not, understand that Expression otherwise than with an Exception to them. 'Twould only import, that those Persons had with one Accord made their common (that is, their joint) supplications to God, in all the several preceding Collects, except those for the Princes aforesaid. And consequently there could not be the least Shadow of Falshood or Prevarication in the Nonjurors using that Prayer of *St. Chrysostom* in our Public Assemblys during the last Years of *Bishop Compton's* Life. But, 2. if any Person was so rigidly scrupulous as still to fear that *St. Chrysostom's* Prayer was infected with an implicit

Petition for such Princes; he might then have refused to say *Amen* even to that Prayer also, and thereby he would effectually have answer'd his own Objection. For notwithstanding those Defalcations, I dare say, 'twill not be pretended, that our Liturgy was defective in any essential Part of Christian Worship.

2. This was the Sense of the Nonjuring Bishops and Clergy, as well as of the Nonjuring Laity, for two Years and a half after the Revolution, *viz.* till the Antibishops were consecrated about Midsummer 1691. The great Revolution was then new, the Liturgy was then lately altered, and consequently the Danger of giving Scandal was then much greater, than it has ever been since those Days: and yet they thought (and indeed very justly) that their constant Refusal of the *Amen* was a sufficient Signification of their dissent to the offensive Parts of the Liturgy; nor did they then think, that the (pretended) Immorality of our Public Offices could justify a Separation from our Public Assemblies, how much Stress soever is now laid on that Plea, by such as are neither more wise, nor more cautious, nor more upright, than those first (who were indeed by far the most eminent) Nonjurors.

3. That I may at once effectually silence this Plea, I desire it may be considered, that whatever Right our *de facto* Governors had during the last Years of Bishop Compton's Life, and how culpable soever that Prelat himself might be thought for complying with the Revolution; yet I have shewn, that he did not by any Rules or Principles of Ecclesiastical Policy, cease to be Bishop of this Diocese, but continued our rightful Spiritual Governor to the Day of his Death. Wherefore we owed him a Spiritual Obedience, and were bound to maintain Church Communion with him as our Bishop

Bishop, whether we owed those *de facto* Princes any Temporal Obedience, and were bound to pay them any Civil Allegiance, or no. This then is the short of the Case. Here is the plain Duty of Church Communion with our rightful Bishop on the one side, and the (pretended) Danger of giving Scandal, by seeming to pray for *de facto* Temporal Governors, on the other. Wherefore let any sober Christian judge. Can a wise or good Man think the possible Danger of giving Scandal to inconsiderat People (for I have demonstrated, that there is not the least Necessity of doing the sinful Action it self, even upon the Nonjurors own Principles) sufficient to counterpoise and cancel the plain Duty of Church Communion with our rightful Bishop? I confess, if Assemblys had been held in Subjection to, and Communion with, and by the Consent and Approbation of, our then rightful Bishop Dr. Compton, in which the scrupled Prayers were not used; a Nonjuror would rather be inclin'd or chuse to resort to those Assemblys, where he might avoid those Prayers. But surely, since the Privat Assemblys, in which those Prayers were not used, were set up and maintain'd in Opposition to our then rightful Bishop; and the Public ones, wherein those Prayers were used, were held in Subjection to him, in Communion with him, and by his Consent and Approbation: therefore he who refused, under the Pretense of the Possibility (for there was no Certainty) of Scandal, to join in the Public Assemblys, did thereby, to avoid a Possibility of Scandal, venture upon a Certainty of downright Sin, by joining in an open Rebellion against his rightful Spiritual Governor; which Conduct, I am confident, no Man of Episcopal Principles will dare to justify.

I would intreat our Nonjurors seriously to consider this one thing. If my rightful Temporal Governor should command what I esteem an unlawful thing; I presume, they will readily grant, that I must not comply. But suppose, that my quiet Behavior in all other Respects, and my Governor's graciously forbearing to punish my Noncompliance, should tempt some unreasonable People to think that I had comply'd in that Instance; would it not be sufficient for me, in a modest and Christian manner, to deny that I ever did so? And would not the (pretended) Scandal of those unreasonable People, be what we call a Scandal *taken*, but not *given*? Or must I, that I may effectually shew my Noncompliance in that Instance with my rightful Temporal Governor, publicly renounce my Allegiance to him, and refuse all Subjection to his Authority for the future in all other Instances, because he expected a Compliance in one Instance which I think sinful? Would not a Man be thought mad, that should act at this rate? And yet, to deal plainly and impartially, did not those Persons, who refused to communicate in the Public Assemblies held in Obedience to Bishop *Compton's* Authority during the last Years of his Life, do the very same thing in an Ecclesiastical Respect, which is so monstrously and so apparently absurd and abominable in a Civil Respect? Must a Man, because he can't comply with his rightful Bishop, his Spiritual Superior, by joining in one part of the Liturgy, refuse to join in any part of it in any Assembly that is held in Obedience to him? Must he bid Defiance to his rightful Bishop's Authority? Must he abet and maintain Privat Assemblies held in direct Opposition to him? Must he set up an Altar against his rightful Bishop's Altar, and
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enter into open Ecclesiastical War with him? If this be Christianity; if this be the way to Church Unity; if this be the so much celebrated Duty of Subjection to Spiritual Governors; if this be the Method of supporting Ecclesiastical Authority, and defending the Rights of the Episcopal College, and preserving the Interest and Peace of Christ's Spiritual Kingdom: I frankly own my self an utter Stranger to it.

But 'twill still be pretended, that if a Man may innocently resort to those Assemblies, wherein immoral Prayers are offered up, provided he forbears saying *Amen* to those Prayers; then he may innocently go to Mass, and continue in Communion with the Popish Bishops. How therefore can we justify our Separation from the Church of *Rome* upon the account of their notorious Corruptions of the Christian Worship? To this I answer,

1. Nothing surely but the most unreasonable Prejudice could tempt Men to compare the (supposed) Immorality of our public Offices with the *Roman* Abominations, or to argue from the one against the other. For do but consider the Difference. In the established Liturgy there is no other Immorality pretended, but what is intirely grounded upon a Political Difference about the Rightful Title to the Throne. 'Tis granted on both sides, that what we offer to God in behalf of the King, is perfectly agreeable to God's Will, provided he be the rightful King. There is therefore no Turpitude in the Matter of the Prayer; nor is there any Dispute about the Object of it (for we address our selves to God alone) but there happens to be a Difference about the King's Person, there being a Contest between opposit Claimants of the Crown. If this Political Dispute were but agreed, there is no other Possibility

Possibility of quarrelling with our public Devotions Whereas in the Church of *Rome*, 1. Prayers are offered to Angels and Saints, and consequently there is downright Idolatry practised, by reason of different Objects of Prayer. 2. The Prayers are in an unknown Tongue, which in Effect destroys (to to the far greatest Part of the People) the very Essence of public Worship. 3. There is one half of the blessed Eucharist deny'd to the Laity in general, You see therefore, that in our Case there is a plain and easy Possibility of separating the only Instance of (supposed) Immorality from the rest of our Devotions: but in the Case of the Church of *Rome*, if you could separat the lawful Matter of their public Offices from that which is unlawful, and if you were allowed notoriously to dissent from the one Part at the same time that you pretend to join in the other: yet that very Part of their Offices which is lawful as to the Matter of it, being in an unknown Tongue, the Body of the People are thereby effectually prevented from performing the great Duty of joint Worship in Church Assemblys; and one Half of the Lord's Supper being taken away, the great Christian Sacrifice can't be offered up by the Laity. So that the very Constitution of the *Roman* Church involves the Communicants in unavoidable Sin; whereas if this one (supposed) Immorality of our Liturgy (which depends meerly upon a Difficulty in Politics, about which the Learned differ) be forborn, all the Essentials of Christian Worship are still preserved intire amongst us, and our whole Course of Devotion is perfectly innocent. But,

2. To cut this Matter short, I do roundly affirm, that wheresoever there is a lawful Succession of Pastors, and the public Liturgy contains all the essential

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tial Parts of the Matter of Prayer, and all those essential Parts of the Matter of Prayer are directed to the proper Object of Prayer, and offered up in such a Tongue, that they may become, according to the Gospel Rule, my own Personal Acts of Prayer; and the Holy Sacraments of the Gospel are also duly administered as to all the Essentials of them; in such a Case, tho' there were some unlawful Mixtures in the Public Worship, I may not lawfully separat from my Bishop, provided I may be allowed to dissent from those unlawful Mixtures, and notoriously and constantly to signify such my Dissent in such a modest, humble and Christian Manner, as becomes an Inferior with regard to his Superior, whom the Rules of our Holy Religion will not suffer us to affront in the Discharge of his Office, altho' he discharge it in a faulty Manner, for which he is accountable to that God, whose Vicegerent he is.

I confess, I think every Man is bound, in a regular Way, and in his own Sphere, to do his utmost for the removal of all Corruptions (or even Inexpediencies) out of the Public Worship: but if his Superiors will retain some of them in spite of all his Endavors to the contrary, whether by humble Remonstrances to the Superiors themselves, or by Prayers to God, or by other Christian Methods of proceeding; I'm sure, he's no farther concerned, than to continue his notorious Dissent: and he has reason to bless God, that he is permitted to enjoy the great Benefit of Church Communion (the Essentials of which are now supposed to be afforded him) without Persecution for his notorious Dissent to such Particulars, as his Superiors do for their parts think perfectly innocent, and what he ought in Conscience to comply with. And therefore, if
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such a thing were practicable in the Church of *Rome* (as alas! it is not) if I could enjoy all the Essentials of Christian Worship amongst them, and could be permitted notoriously to dissent from their Corruptions; I would not separat from my Bishop, if he were a *Papist*; that is, if my *Popish* Bishop would suffer me still to continue a *Protestant*, I would not separat from an Assembly held in Subjection to his Authority, tho' I would use the utmost Endavors, and imploy all possible Zeal, for the Extirpation of his *Popery*, and never comply, or seem to comply, with any one Branch of it in any Case or Circumstance whatsoever.

In a Word, the Christian Rule is this, that if it be possible, and as much as lies in us, we must live peaceably with all Men; and especially with our Ecclesiastical Superiors. So that I have nothing more to consider, than whether I can avoid Sin, if I continue in Communion with my Bishop. For if I can, I am indispensably bound to live in Obedience to his Authority, which is the Ordinance of God. And therefore, since 'tis evident, that a Nonjuror might, in any part of this Diocese, continue in Communion with Bishop *Compton*, even during the last Years of his Life, without the Commission of any one Sin, or doing any one thing which he (even thro' Mistake) judged sinful; 'tis plain, that those Nonjurors who separated from Bishop *Compton's* Communion upon the Pretense of immoral Prayers (to which there was no Necessity of their saying *Amen*; but to which they were notoriously permitted to express a Dissent, even in the most significant manner) were guilty of a most inexcusable Schism by so doing; nor could their Separation from the said Bishop's Communion be justify'd or excused upon any sober and Catholic Principles of Church Unity whatsoever.

C H A P.

C H A P. VIII.

That the Nonjurors Separation from the Communion of Bishop Robinson is Schismatical.

'TIS now no longer a Secret, that the late Dr. *Hickes* was consecrated Suffragan Bishop of *Thetford* in the Diocese of *Norwich*, by some of the Deprived Nonjuring Bishops; and 'tis presum'd (for I would by no means be understood to affirm any thing, that may create a Temporal Inconvenience to those whom I am disputing against) that Suffragans were also consecrated for those other Sees, whose Bishops were deprived for refusing the Oaths to King *William* and Queen *Mary*; and that since the Death of those deprived Bishops, and of some of their Suffragans, a Succession of Nonjuring Bishops has been continued amongst us.

Now because I am arguing upon the Principles of the Nonjurors, therefore I will grant, that the deprived Bishops had, even after their Deprivation, a Right to consecrate Suffragans for their own Dioceses. And there is no doubt, but that a Suffragan Bishop can discharge the Episcopal Function as validly; as if he were a Principal, and filled a See; for instance, a Suffragan of *Thetford* can consecrate a Bishop, ordain a Priest, &c. as validly as a Bishop of *Norwich*.

Let us now examine Dr. *Robinson's* Right to the See of *London*. Since I have demonstrated, that the Schism of Coordination did not vacate the Sees of those Bishops who comply'd with the Revolution, and communicated with the (supposed) Schismatical Intruders; therefore there can be no doubt, but that

that Dr. *Robinson's* Consecration, when nominated by Queen *Anne* to the See of *Bristol*, was valid ; because the Persons who consecrated him, had the Power of Consecration. For whatever might have been wished, upon the Nonjurors Principles ; yet 'tis notorious, that the (supposed) Want of a Rightful Prince's Nomination, could not null that Spiritual Action of the Comprovincial Bishops who laid Hands on him. And whereas the Concurrence of the Metropolitan is for prudential Reasons required by our Constitution ; 'tis certain, that as the Want of it can't affect the Validity (tho' it might be supposed to affect the Regularity) of his Consecration, so either we had at that Time no Metropolitan, or else Dr. *Tenison* was the Person. For I am persuaded, the Nonjurors have never pretended to fill up the See of *Canterbury*, tho' perhaps they may have amongst them a Person pretending to be the Suffragan of *Dover*. Now whatever Power a Suffragan Bishop has during the Life, and under the Authority, of his Principal ; yet 'tis notorious, that a Suffragan Bishop has no more Right to succeed in the See of his Principal, than a Curat has to succeed in the Benefice of him whom he assists. A Suffragan is indeed capable of succeeding in his Principal's See, as a Curat is also capable of succeeding in that Benefice he officiates in : but then he must be regularly introduced ; for he has not a Right to succeed, so as to claim it of course as his Due. Wherefore if a Person were never so regularly consecrated Suffragan of *Dover* by Archbishop *Sancroft* ; yet he could not pretend a Right to the See of *Canterbury* upon that Prelat's Death. And since I am satisfy'd, that no Person ever pretended to be Archbishop of *Canterbury* at the time of Dr. *Robinson's* Consecration to the See of *Bristol*, except

cept Dr. *Tenison*; therefore either Dr. *Tenison* was then our Metropolitan (and we know, he concurred in Dr. *Robinson's* Consecration) or else we had no Metropolitan at all, and so the Concurrence of the Metropolitan could not be necessary.

Now upon the Death of Bishop *Compton*, Dr. *Robinson* was translated to this See of *London*. If the Nomination of Queen *Anne* was not worth regarding: yet can any Person pretend, that another Man was nominated by the Pretender? And surely Queen *Anne's* Nomination, there being no other Nomination pretended, did not vacat the Acts of all those other Persons, whose Concurrence was necessary in order to his regular Settlement, in the usual Manner, especially as to all purely Spiritual Proceedings. For he was peacefully receiv'd and submitted to by this Diocese, without any Rival or Competitor, that I could ever yet hear of. I confess, had the Nonjurors set up an opposit Bishop, had any other Person claim'd the See of *London*: we should then have been obliged to consider the Merits of their respective Pretensions, and to join with him whose Right should appear. But since the Nonjurors themselves do not say, that there is another Bishop of *London*; therefore Dr. *Robinson* is the only Bishop of *London*, and has as good a Right to this See, as his Predecessor Dr. *Compton* had, whose Right I have vindicated at large.

And since Dr. *Robinson* is now rightful Bishop of *London*, therefore the Nonjurors Separation from his Communion is Schismatical; there being no Reason for separating from the Communion of Bishop *Robinson*, but what I have already largely answer'd, in considering Bishop *Compton's* Case.

C H A P. IX.

*The Case of the Nonjurors Separation in the other
Dioceses in England, briefly touched upon.*

AS for all the other Dioceses, the Case of the Nonjurors Separation from the respective Bishops of them, may be resolved by an Application of what has been already said.

As for the Province of *York*, there was no Bishop deprived in it for Noncompliance with the Revolution. And consequently there never could be any Objection started against the Right of the Bishops of that Province to their respective Sees, but what must arise from their being guilty of the (supposed) Schism of Coordination by acknowledging Antibishops in the neighboring Province of *Canterbury*. And since I have proved, that that Plea is of no Force even in the Province of *Canterbury*; certainly it can't affect the Province of *York*, where the Metropolitan and all his Comprovincials have all along acted unanimously, and continued their Succession to this very Day, without the Shadow of an Antibishop amongst them.

And as for the Province of *Canterbury*, in which there was once a considerable Difficulty (*viz.* during the the Lives of the deprived Bishops) yet now the Case is clear throughout. For those Dioceses whose Bishops were not deprived for refusing Submission to the Revolution, are in the same State with this of *London*; and the respective Bishops have the same Right to their Sees, as Bishop *Robinson* has to ours. And as for those Dioceses whose Bishops were

were deprived, whatever might have been pleaded, whilst the deprived Bishops themselves were alive; yet since that personal Contest is at an end, and the Schism of Coordination is thereby perfectly ceased (because the deprived Bishops themselves are dead; and those who were consecrated by the deprived Ones, or derive their Succession from them, do not pretend to be other than Suffragans) therefore those Bishops that have been elected, and consecrated, and publicly and unanimously received, and owned by their Comprovincials, as Bishops of those once controverted Sees, are now by all the Rules of Ecclesiastical Disci-
plin (and particularly in the Judgment of (a) *St. Cyprian*, whom the Nonjurors love to magnify) the only lawful Bishops of them; nor indeed is there any other Claimant in opposition to them. And therefore Separation from their Communion is undoubtedly Schismatical, there being no just Cause for it, as has been fully shewn in the foregoing Papers.

Whether

(a) *Agnoscant atq; intelligent, Episcopo semel facto & Collegarum & plebis testimonio & judicio comprobato, alium constitui nullo modo posse. Cyp. Epist. 44. p. 86.*

Factus est autem Cornelius Episcopus de Dei & Christi ejus judicio, de Clericorum pene omnium testimonio, de plebis quæ tunc affuit suffragio, & de Sacerdotum antiquorum & bonorum virorum collegio, cum nemo ante se factus esset, cum Fabiani locus, id est, locus Petri & gradus Cathedræ Sacerdotalis vacaret; quo occupato de Dei voluntate atq; omnium nostrum consensione firmato, quisquis jam Episcopus fieri voluerit, foris fiat necesse est, nec habeat Ecclesiasticam ordinationem qui Ecclesiæ non tenet unitatem. Quisquis ille fuerit, multum de se jactans & sibi plurimum vindicans, profanus est, alienus est, foris est. Et cum post primum secundus esse non possit, quisquis post unum qui solus esse debeat, factus est, non jam secundus ille, sed nullus est. *Cyp. Epist. 55. p. 104.*

Whether those Suffragans who were consecrated by the Nonjuring Bishops, or derive their Commission from them, have now any Power in the said Dioceses, for which ('tis presumed) they were consecrated, their Principals may inquire and determine; if they judge it proper so to do. But if those Suffragans have any Power at all, I'm sure it must be exercised in due Subordination to their Principals. Otherwise 'tis notoriously Schismatical, even within the Bounds of the several Dioceses they were intended to officiate in.

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